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FILED
APR 29 2011
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

9 Attorneys for the United States
10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 OAKLAND DIVISION

4-11-70489

14 UNITED STATES OF AMERICA,) CRIMINAL NO.
15 Plaintiff,)
16 v.) NOTICE OF PROCEEDINGS ON
17 DONALD MOORE,) OUT-OF-DISTRICT CRIMINAL
18) CHARGES PURSUANT TO RULES
19 Defendant.) 5(c)(2) AND (3) OF THE FEDERAL
) RULES OF CRIMINAL PROCEDURE

20 Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal
21 Procedure that on April 28, 2011, the above-named defendant was arrested based upon an arrest
22 warrant (copy attached) issued upon an

- 23 Indictment
24 Information
25 Criminal Complaint
25 Other (describe) _____

26 pending in the Eastern District of California, Case Number 2:08-CR-00235-MCE.

27 In that case, the defendant is charged with a violation of Title 21, United States Code,
28 Sections 846 and 841(a)(1).

1 Description of Violation:

2 COUNT ONE: 21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to Distribute and Possess with Intent to
3 distribute Cocaine Base. *JMN*

4 COUNT TWO: 21 U.S.C. § 841(a)(1) - Conspiracy to Distribute and Possess with Intent to
5 Distribute MDMA; 5-methoxy-N,Ndiisopropyltryptamine; and Ketamine.

6 COUNT SIX: 21 U.S.C. § 841(a)(1) - Distribution of MDMA; 5-methoxy-
7 N,Ndiisopropyltryptamine; and Ketamine.

8 COUNT SEVEN: 21 U.S.C. § 841(a)(1) - Distribution of 5-methoxy-N,Ndiisopropyltryptamine.

9 Penalty:

10 COUNT ONE:

Mandatory Minimum 10 Years Imprisonment

Maximum Life Imprisonment

\$4,000,000 Fine

5 Years Term Supervised Release *JMN*

COUNT TWO:

20 Years Imprisonment

\$1,000,000 Fine

3 Years Term Supervised Release

COUNT SIX:

20 Years Imprisonment

\$1,000,000 Fine, or Both

5 Years Term Supervised Release

COUNT SEVEN:

20 Years Imprisonment

\$1,000,000 Fine, or Both

5 Years Term Supervised Release

Respectfully Submitted,

MELINDA HAAG
UNITED STATES ATTORNEY

Jennifer Gaspar
JENNIFER N. GASPAR
Special Assistant United States Attorney

Date: April 29, 2011.

1487718

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RECEIVED
MAY 15 1968

2009 MAY 23 AM 9:35

USA,

Y₁

**AMENDED
WARRANT FOR ARREST**

DONALD - MOORE ,

Case Number: 2:08-CR-00235-MCE

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Donald - Moore,

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment Information Violation Petition Other

charging him or her with (brief description of offense)

Conspiracy to Distribute and Possess with Intent to Distribute MDMA; 5-methoxy-N,Ndiisopropyltryptamine; and Ketamine

in violation of Title 21

United States Code, Section(s) 841(a)(1)

L. Reader

Name of Issuing Officer

Deputy Clerk

Title of Issuing Officer

5/23/08 Sacramento

Date and Location

Date and Location

Date and Location

Date and Location

Bail fixed at \$ NO BAIL by Magistrate Judge Gregory G. Hollows

RETURN

This warrant was received and executed with the arrest of the above-named defendant

Date Received

Name and Title of Arresting Officer

Date of Arrest:

Signature of Arresting Officer

FILED

MAY 22 2008

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY CLERK

1 McGREGOR W. SCOTT
United States Attorney
2 HEIKO P. COPPOLA
Assistant U.S. Attorney
3 501 I Street, Suite 10-100
Sacramento, California 95814
4 Telephone: (916) 554-2770

5

6

7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 2008 - CR -- 235 MCE [Redacted]

11 UNITED STATES OF AMERICA,) CR. NO.
12 Plaintiff,) VIOLATIONS: 21 U.S.C. §§ 846,
13 v.) 841(a)(1) - Conspiracy to
14 SHATOYA AUSTIN,) Distribute and Possess with Intent
15 RALPH DIXON, and) to Distribute Cocaine Base;
16 DONALD MOORE,) 21 U.S.C. §§ 846, 841(a)(1) -
17 Defendants.) Conspiracy to Distribute and
18) Possess with Intent to Distribute
19) MDMA; 5-methoxy-
20) N,Ndiisopropyltryptamine; and
21) Ketamine; 21 U.S.C. § 841(a)(1) -
22) Distribution of Cocaine Base
23) (3 counts); 21 U.S.C. § 841(a)(1)
24) - Distribution of MDMA; 5-methoxy-
25) N,Ndiisopropyltryptamine; and
26) Ketamine; 21 U.S.C. § 841(a)(1) -
27) Distribution of 5-Methoxy-
28) N,Ndiisopropyltryptamine
29)
30)

31 INDICTMENT

32 COUNT ONE: [21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to Distribute
33 and Possess with Intent to Distribute Cocaine Base]

34 The Grand Jury charges: THAT

35 SHATOYA AUSTIN, and
36 RALPH DIXON,

37 defendants herein, beginning at a time unknown to the Grand Jury,
38 but no later than on or about January 15, 2008, and continuing

I hereby certify that the annexed
Instrument is a true and correct copy of
the original on file in my office.

ATTEST: VICTORIA C. MINOR

Clerk, U. S. District Court
Eastern District of California

By *[Signature]* Deputy Clerk

Dated *[Signature]* May 22, 2008

1 thereafter to on or about March 31, 2008, in the State and Eastern
2 District of California, and elsewhere did knowingly and
3 intentionally conspire with each other and with persons known and
4 unknown to the Grand Jury, to distribute and to possess with the
5 intent to distribute at least fifty grams of a mixture and substance
6 containing a detectable amount of a form of cocaine base, known as
7 crack cocaine, a Schedule II controlled substance, in violation of
8 Title 21, United States Code, Sections 846 and 841(a)(1).

9 COUNT TWO: [21 U.S.C. § 841(a)(1) - Conspiracy to Distribute and
10 Possess with Intent to Distribute MDMA; 5-methoxy-
N,Ndiisopropyltryptamine; and Ketamine]

11 The Grand Jury further charges: T H A T

12 SHATOYA AUSTIN, and
13 DONALD MOORE,

14 defendants herein, beginning at a time unknown to the Grand Jury,
15 but no later than on or about February 19, 2008, and continuing
16 thereafter to on or about March 5, 2008, in the State and Eastern
17 District of California, and elsewhere did knowingly and
18 intentionally conspire with each other and with persons known and
19 unknown to the Grand Jury, to distribute and to possess with the
20 intent to distribute controlled substances, to wit, 3,4-
21 methylenedioxymethamphetamine (MDMA), a Schedule I controlled
22 substance; 5-methoxy-N,Ndiisopropyltryptamine, a Schedule I
23 controlled substance; and ketamine, a Schedule III controlled
24 substance, in violation of Title 21, United States Code, Sections
25 846 and 841(a)(1).

26 ///

27 ///

28 ///

1 COUNT THREE: [21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base]

2 The Grand Jury further charges: T H A T

3 SHATOYA AUSTIN, and
4 RALPH DIXON,

5 defendants herein, on or about January 15, 2008, in the State and
6 Eastern District of California, did knowingly and intentionally
7 distribute at least five grams of a mixture and substance containing
8 a detectable amount of a form of cocaine base, known as crack
9 cocaine, a Schedule II controlled substance, in violation of Title
10 United States Code, Section 841(a)(1).

11 COUNT FOUR: [21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base]

12 The Grand Jury further charges: T H A T

13 SHATOYA AUSTIN, and
14 RALPH DIXON,

15 defendants herein, on or about January 30, 2008, in the State and
16 Eastern District of California, did knowingly and intentionally
17 distribute at least five grams of a mixture and substance containing
18 a detectable amount of a form of cocaine base, known as crack
19 cocaine, a Schedule II controlled substance, in violation of Title
20 United States Code, Section 841(a)(1).

21 COUNT FIVE: [21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base]

22 The Grand Jury further charges: T H A T

23 RALPH DIXON,

24 defendant herein, on or about March 7, 2008, in the State and
25 Eastern District of California, did knowingly and intentionally
26 distribute at least fifty grams of a mixture and substance
27 containing a detectable amount of a form of cocaine base, known as
28 crack cocaine, a Schedule II controlled substance, in violation of

1 | Title 21, United States Code, Section 841(a)(1).

COUNT SIX: [21 U.S.C. § 841(a)(1) - Distribution of MDMA; 5-methoxy-N,N-dimethyltryptamine; and Ketamine]

The Grand Jury further charges: T H A T

**SHATOYA AUSTIN, and
DONALD MOORE,**

6 defendant herein, on or about February 29, 2008, in the State and
7 Eastern District of California, did knowingly and intentionally
8 distribute 3,4-methylenedioxy-methamphetamine (MDMA), a Schedule I
9 controlled substance; 5-methoxy-N,Ndiisopropyltryptamine, a Schedule
10 I controlled substance; and ketamine, a Schedule III controlled
11 substance, in violation of Title 21, United States Code, Section
12 841(a)(1).

13 | COUNT SEVEN: [21 U.S.C. § 841(a)(1) - Distribution of 5-methoxy-N,Ndiisopropyltryptamine]

The Grand Jury further charges: T H A T

DONALD MOORE,

17 defendant herein, on or about March 5, 2008 in the State and Eastern
18 District of California, did knowingly and intentionally distribute
19 5-methoxy-N,Ndiisopropyltryptamine, a Schedule I controlled
20 substance, in violation of Title 21, United States Code, Section
21 841(a)(1).

A TRUE BILL.

✓ 8/ Signature on file w/AUSA

FOREPERSON

Sam Brown Jr.

27 McGREGOR W. SCOTT
United States Attorney

No.

2-08-N-235 NCE

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

SHATOYA AUSTIN,
RALPH DIXON, and
DONALD MOORE

INDICTMENT

VIOLATION(S): 21 U.S.C. § 846, 841(a)(1) - Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base; 21 U.S.C. § 846, 841(a)(1) - Conspiracy to Distribute and Possess with Intent to Distribute MDMA; 5-methoxy-N,Ndiisopropyltryptamine; and Ketamine; 21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base (3 Counts); 21 U.S.C. § 841(a)(1) - Distribution of MDMA; 5-methoxy-N,Ndiisopropyltryptamine; and Ketamine; 21 U.S.C. § 841(a)(1) - Distribution of 5-Methoxy-N,Ndiisopropyltryptamine

A true bill,

15/

Foreman.

Filed in open court this _____ day

of _____, A.D. 20____

Clerk

Bail, \$

NO PROCESS NECESSARY — *Arrested*

NO BAIL WARRANT — *Dixon, Moore*

GREGORY G. HOLLOWS

PENALTY SLIP**SHATOYA AUSTIN:** Counts 1, 2, 3, 4, and 6**RALPH DIXON:** Counts 1, 3, 4, and 5**DONALD MOORE:** Counts 2, 6, and 7

COUNT 1	21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base	PENALTY	<u>Mandatory Min.:</u> 10 years <u>Max:</u> Life <u>NMT:</u> \$4 million dollars fine, or Both <u>At Least</u> 5 Years TSR
COUNT 2	21 U.S.C. § 841(a)(1) - Conspiracy to Distribute and Possess with Intent to Distribute MDMA; 5-methoxy-N,Ndiisopropyltryptamine; and Ketamine	PENALTY	<u>Up To</u> 20 Years <u>NMT:</u> \$1 million dollars fine, or Both 3 Years TSR
COUNTS 3 - 4	21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base	PENALTY	<u>Mandatory Min.:</u> 5 Years <u>NMT:</u> 40 Years <u>NMT:</u> \$2 million dollars 4 Years TSR
COUNT 5	21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base	PENALTY	<u>Mandatory Min.:</u> 10 years <u>Max:</u> Life <u>NMT:</u> \$4 million dollars fine, or Both <u>At Least</u> 5 Years TSR
COUNT 6	21 U.S.C. § 841(a)(1) - Distribution of MDMA; 5-methoxy-N,Ndiisopropyltryptamine; and Ketamine	PENALTY	<u>Up To</u> 20 Years <u>NMT:</u> \$1 million dollars fine, or Both 3 Years TSR
COUNT 7	21 U.S.C. § 841(a)(1) - Distribution of 5-methoxy-N,Ndiisopropyltryptamine	PENALTY	<u>Up To</u> 20 Years <u>NMT:</u> \$1 million dollars fine, or Both 3 Years TSR
SPECIAL ASSESSMENT: \$100.00 for each count			

AO 257 (Rev. 5/2003) 08 - G - 235 MCE F.W.

PER 18 U.S.C. 3170

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION / U.S. DISTRICT COURT

BY

<input checked="" type="checkbox"/> COMPLAINT	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> INDICTMENT
<input type="checkbox"/> SUPERSEDING INFORMATION	<input type="checkbox"/> SUPERSEDING	

MAG 08-0167 GGH

OFFENSE CHARGED

-Conspiracy to Distribute and Possess with Intent to Distribute 3,4-methylenedioxy- methamphetamine (MDMA), 5-methoxy-N,Ndisopropyltryptamine, Ketamine
 -Distribution of 3,4- methylenedioxy- methamphetamine (MDMA), 5-methoxy-N,Ndisopropyltryptamine, and Ketamine
 -Possession with Intent to Distribute Methamphetamine

- Petty
- Minor
- Misdemeanor
- Felony

Place of Offense: San Joaquin

USC Citation:

21 U.S.C. § 841(a)(1);
 21 U.S.C. § 841(a)(1);
 21 U.S.C. § 841(a)(1)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DEA

this person is awaiting trial in another Federal or State Court, give name of court.

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

this is a reprocution of charges previously dismissed which were dismissed on motion of:

U.S. Atty Defense

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

prior proceeding or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

MAGISTRATE
CASE NO.
08-0167 GGH

Name and Office of Person Furnishing information on

THIS FORM

SA Brittany Ziesman-Hicks
916-416-5610

U.S.
Atty Other U.S.
Agency

Name of Asst. U.S. Atty
(if assigned)

HEIKO P. COPPOLA

Name of District Court, and/or Judge Magistrate Location (city)

EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO, CALIFORNIA

DEFENDANT - U.S. vs.

DONALD MOORE

Address: 9429 Westmore Court
Stockton, CA

Birth Date

6/17/1977

Male
 Female
(if applicable)

(Optional unless a juvenile)

DEFENDANT

IS NOT IN CUSTODY

1) Has not been arrested, pending outcome this proceeding if not detained give date any prior summons was served on above charges

2) Is a Fugitive3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge5) On another conviction Fed'l State6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed?

Yes

If
"Yes"
give
date

No

DATE OF
ARREST ▶

Mo.

Day

Year

Or ... If arresting Agency & Warrant were not Federal

DATE TRANSFERRED
TO U.S. CUSTODY ▶

Mo.

Day

Year

 This report amends AO 257 previously submittedADDITIONAL INFORMATION OR COMMENTS
BENCH WARRANT DETENTION/BAIL TO BE DETERMINED AT INITIAL APPEARANCE